

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kehne et al.

Serial No.: 09/726,290

Filed: November 30, 2000

For: Method and Apparatus for  
Updating New Versions of Firmware  
in the Background§  
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§  
§  
§  
§

Group Art Unit: 2122

Examiner: James D. Rutten

Attorney Docket No.: AUS9-2000-0449-US1

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via  
facsimile to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, facsimile number (703) 872-9306,  
on August 10, 2004.

By:

  
Dell Whitton**NOTICE OF APPEAL**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated June 4, 2004 finally rejecting claims 1-36.

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

  
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